



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/321,387 05/27/99 HENDERSON

K RIC-97-123

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WORLD COM, INC
TECHNOLOGY LAW DEPARTMENT
1133 19TH ST, NW
WASHINGTON DC 20036

EXAMINER

BARNIE, R

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/321,387

Applicant(s)

HENDERSON ET AL.

Examiner

Rexford Barnie

Group Art Unit

2643



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 15, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):

☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

- ☐ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
SEE THE EXPLANATION AS SET FORTH IN THE REJECTION OF THE CLAIMED SUBJECT MATTER AND THE ATTACHED SHEET.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: NONEClaims objected to: NONEClaims rejected: 9-13 and 28-32

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/15/01 have been fully considered but they are not persuasive.

The applicant argued that the combination as set forth in the explanation of rejection of claim 9-13 does not render the claimed subject matter obvious.

The examiner disagrees because the primary reference (Longo) teaches a prepaid calling card wherein a message can be recorded or listened to in conjunction with the account number except the possibility of directing a caller to call a tel# number if a requested service can not be provided. However, it's notoriously well known to direct callers to contact customer service when an automated attendant cannot provide requested services. Atkins teaches a calling card system wherein a user can be directed to a customer service center if a requested service cannot be authenticated during call setup. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Atkins into that of Longo thus making it possible to direct or route a call to a service number to get the required assistance if a requested service cannot be provided by an automated attendant.

The applicant argued that the prior art of record fails to teach that the prior art of record (Longo) fails to teach the claimed subject matter of claims 28-29.

The explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible given the fact that cards used solely for making calls which don't have the

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specialized features associated with the prepaid calling system taught by Longo are notoriously well known in the art.

The applicant argued that the prior art of record (Longo and Nabkel) fails to teach the claimed subject matter but the examiner disagrees because if a list contains a number of callers who are suppose to listen to a unique message wherein an acknowledgment is required, then it could be said an acknowledge is received for a number of times for the number of callers after which the message can be erased.

The applicant argued that the combination (Longo and Moen) fails to teach the subject matter comprising of requesting purchase preference and then recording a message associated with the card wherein the message can be relayed to a user during authentication of the card.

The examiner disagrees because the combination teaches storing messages in conjunction with an account which possibly includes a prepaid account (see column 3 lines 7-17, lines 61-66, column 4 lines 4-8, column 6 lines 64-column 7 line 5 of Moen) which could include personal messages, commercial messages and in generally any other purposes which can be retrieved and listened to by one with a correct PIN. Thus, the combination as set forth in the rejection of the claimed subject matter is believed proper and permissible given the fact that any desired message(s) can be stored in conjunction with an account# which can be relayed to a user in control of the account information.

Thus, in summary, the explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible.

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Conclusion

2. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p:m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The informal fax number (Draft or Proposed Amendment) for this Group is (703) 305-9508 wherein the formal fax number for the group is (703) 308-9051 or 308-9052. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700. R.B. 03/27/01.


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